

1894-021
Lee Co.

Chancery Causes: E. W. Bishop vs. Adm. of Isaiah F. Burk &c

Robinson, Pridemore, Duncan

CA - Debt
T - Property

To the Honorable John A. Kelly Judge of
the Circuit Court of Lee County Virginia

Humbly complaining your ora-
tor C. W. Bishop would respectfully show
to your Honor that heretofore to wit on the
28th day of August 1872. Isaac H. Burst
executed to him his two wives for the sum
of One hundred and Twenty five dollars each
and due respectively on the 1st day of March
1877. and 1st day of March 1878. all of which
will more fully appear by reference to said
notes here with filed as a part hereof marked
(A). That said two notes are still due and
unpaid, That they are a part of the pur-
chase price of a tract of land situated
in said County some 12 Miles West of Jonassville
That said tract of land was conveyed to the
said Burst by Your Orator & his wife
Bishop and A. L. Loyd & Minerva his
wife by deed bearing date on the day of
187. in which a lien is retained for the
unpaid purchase price of said land, all
of which will more fully appear by reference
to said deed a copy of which is here with filed
marked. (B.) Your Orator will now further
show your Honor that all the purchase price
of his moiety of said land has been paid except
the two installments or notes above referred to

and no part of said two notes or either of
them has been paid. Your Orator will further
show your Honor that the said Isaac H
Burst has lately departed this life intestate
and that letters of Administration on his
estate have been granted by the County Court
of said County to David Burst a son of
the said Isaac. That the said Isaac H
Burst left surviving him a widow Sarah
J Burst and the following children David
Burst Mary C Burst Estelle D Robinson
(formerly Burst) who intermarried with Sam-
uel Robinson Hester Burst Mattie Burst
Sallie B Burst Robt C H Burst Eliza S
Burst John Burst and Isaac Burst his
heirs at law to the said lands descend.
Now the object of your Orator's bill is to
have specific execution of the contract
between himself and said purchaser
of said land and to collect the unpaid
balance of the purchase money and
being without remedy at common law
and relievable only in a Court of
Chancery he prays your Honor to take
cognizance of his case and grant him
relief to this end he makes David Burst
Administrator of said Isaac Burst and
and in his own right as an heir at law

of said Burd Sarah J Burd widow
of the said Isaiah Burd. Mary C Burd
Evelyn D Robinson & Samuel Robinson
her husband Matthew Burd Mattie
Burd Sallie B Burd Robert E L Burd
Eliza S Burd John Burd and Isaiah
Burd parties defendant to this bill and
prays that the adult defts may be required
to answer its several allegations on oath
that a Guardian ad litem be appointed
to answer and defend the rights of Matthew
Mattie Sallie B. Robert E L Eliza S. John
and Isaiah who are infants under the
age of 21 years. And upon a final hearing
that enough of said lands be sold to pay
the unpaid balance of the purchase mon-
ey yet due your orator together with such
interest as has now or may hereafter
accrue thereon and if Matthew in his
special prayer then he prays for gener-
al relief May God issue etc

Morison & Duncan
for Plaintiffs.

G 6.23 100777 P.
 A 15.00
 S 6.00
 G. A. L. 8.00
 882.23
 Estimated Cost 5.00
 37.23

Orch 1st 4 July 1881

7000
 6, 1, 15
 7005
 752.03
 110.00

Depts casts
 10566 75

H.C. 13.76 to July 93
 M.C. 1.84 to Nov 94

1041

E.W. Bishop
 vs Billie Chey
 David Burk Sumitolo

Exhibits A & B filed

1877 John Bill Fitch, Jr.
 Executors & Deacons of
 the E. W. Bishop for
 the purpose of selling the
 same for the benefit of the
 said Billie Chey

1878 John Bill Fitch, Jr.

1880 Aug Deane & Co.

1881 Mr. C. D. Cant

1881 Aug Deane & Co.

1882 Kinch Deane & Co.

11 Aug Deane & Co.

1883 Mr. Aug Deane & Co.

1884 G. G. & J. J. Deane

1885 G. G. & J. J. Deane

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\$125⁰⁰

On or before the first day of March 1877
I bind myself heirs &c to pay E. H. Bishop
or order, One hundred and twenty five Dols.
Value rec^d August 28/1872

Isaac H Burk (Seal)

\$125⁰⁰

On or before the first day of March 1878
I bind myself heirs &c to pay E. H. Bishop or order
One hundred and twenty five Dols.—
Value rec^d August 28th 1872

Isaac H Burk (Seal)

Isaiah Buck
Notes
E. W. Bishop

(A)

To the Honorable John A. Kelly, Judge of the
Circuit Court of Lee County Va.

The answer of Husetan Burk, Mattie Burk, Sallie
B. Burk, Robert E. L. Burk, Eliza S. Burk, John Burk &
Isaiah Burk, infant children of Isaiah S. Burk decd.
by R. W. Orr Jr. to a Bill in Chancery filed in
Your Honors' Court, by E. W. Bishop against
these wards & others, In answer your Respondent
says, that he knows nothing of the truth or falsity
of the allegations in Jeff's bill, and is advised
of no defense proper for him to make as their guar-
dian in the said suit, but this Court is a Court
of equity, and such Courts being the peculiar guar-
dian of the rights and interests of infants, your
respondent begs leave, to place the rights and
interests of his said wards into the hands of
your Honor, knowing that they will be there
protected.

R. W. Orr Jr.
Guardian ad litem.

Sworn to before me, March 24th 1877.

James W. Orr, Clerk.

Mattie Burk et als

vs } Ans. by
3 G. A. L.

E. W. Bishop

Filed per Rules 1879.

Jas W Orr, Clerk.

Fee \$5⁰⁰

To the Honorable John S. Kelly Judge
of the Circuit Court of Lee County
The separate Answer of J. H. Rank
Answer of Estate of J. H. Rank answer
to a Bill filed in this honorable court
against him & others by E. W. Bishop.
Respondent answering says that
he supposes it is true the notes
issued or were ^{or last payment} ~~issued~~ for the loan
in compliance to Bill mentioned, but
refuses to pay them.

It is true Respondent answered
upon said estate and sold some
property but the fund has been
substantially in the payment of
funeral expenses and taxes & debts
except a note he holds on same. But
once he cannot say whether ~~or not~~
he can realize any thing out of it
or not. He will not as he
refuses to pay it.

Respondent is advised & says that
Mr. Warron also has a suit pending
in this honorable court against the
same parties to subject the same loan
which two suits ought to be consolidated
so as to avoid such a multiplicity of
suits, which is ruinous to this estate
which is now poor, and the loan is

also Board ... 2nd let. concerned with
costs, and he insists that they should
be paid as they are so that out of
costs will be taxed
for ... and so much of ...
said Bill as it is advised it is not
better to answer for ...
with his costs

Honorable,

Virginia the county to wit
this day of ... Bank ... of ...
of ... Bank demand ...
before me that the ... is ... in the
... Answer ... as it
depends upon his own knowledge and
... information
derived from ... to be true

Jan. 27th 1879

James H. Carr, Clerk

Co. W. 1st Regt.

1st Regt.

Plaintiff.

VS.

In Chancery.

D.F.Eurk, Admr. et als. Defendants.

and ~~Myxopneustes~~.

M.C.Parsons, Assignee &c. Plaintiff

VS.

D.F.Eurk, Admr.et als. Defendant.

These causes having been heretofore heard together, and coming on this day to be heard upon the papers formerly head in each of them, were argued by counsel. And it appearing to the court that all matters and things in the first named cause have been settled up, said cause is stricken from the docket. And the case of M.C.Parsons, Assignee &c. against D.F.Furk, X Admr. at als. will hereafter be proceeded in alone, and for that purpose it is retained on the docket and is continued.

E.W. Bishop
vs. $\frac{2}{3}$ Chy
D. F. Burk, Admr. et al.
and $\frac{2}{3}$ Deeree
M. C. Parsons Assignee
vs. $\frac{2}{3}$ Chy.
D. F. Burk, Admr. et al.

Deeree.

Cotied in Chancery
Order Book Page 60

Enter this decree

M. L. 111

Nov. 1861,

W Bishop

Petty

vs

3 In chancery

David Bursell Administrator of J S Bursell dec'd vs

This cause came on this 4th day of April 1879 to be heard upon the bill and exhibits filed therewith the answer of the infant defendants by R. H. Orr Junr their guardian ad litem filed at this term of the Court and was argued by counsel and it appearing to the Court that process has been duly served upon the adult defendants for more than 30 days before the first day of this term and that they have failed to appear answer or plead the bill is taken for confessed as to them, it is therefore adjudged ordered and decreed that the plaintiff recover of the defendants the sum of Two hundred & fifty dollars with interest on \$125-00 part thereof from the 1st day of March 1877 and like interest on \$125-00 the residue thereof from the 1st day of March 1878. Till paid and the costs of this suit and it further appearing that said \$250-00 is for a part of the purchase price of the land in the bill mentioned, for which a lien was retained in the deed of conveyance, to the said Bursell, it is therefore adjudged ordered and decreed that unless the said David Bursell Administrator of J S Bursell dec'd shall within

30 days from the rising of this Court pay
said sum of money with its interest and
the costs of this suit. Then that C. J. Duncan
who is hereby appointed a special commis-
sioner, for the purpose shall sell so much
of said land as will be sufficient to pay the
said sum of \$250 and its interests and the
costs of this suit and commissions of sale.
Said sale shall be upon a credit of six or
twelve months except a sum sufficient to
pay costs of suit and commissions of sale
which shall be paid down; for the deferred
payments the commissioner will require
bonds bearing interest from date with good
personal security but before proceeding
to execute this decree he will give notice of
the time place and terms of sale by posting
written notices thereof at three public places
in said county, one of which shall be on the
Court House door and another in the neigh-
borhood where said land lies. He will report
his action to the next term of this Court and
the cause is continued.

C. W. Bishop

vs. W. Dean

David Burdett

March Term 1879

C. J. Duncan

Virginia, Lee county, to wit.

This day A. L. Pridemore & C. P. Duncan personally appeared before me and each made oath that A. R. Surringer admitted in their presence, on the 30th day of August 1880, that he had sold the land purchased by him, at the Court's sale of the land of Isaiah Burphoed, to V. S. Leox, ~~for an advance~~ ^{as purchase} of two hundred & seventy five dollars, on the sum bid by him, given under my hand, Aug 31st 1880.

James W Orr Clerk.

E. W. Bishop et al

vs { affidavit of Wade
more & Duncan.

David Burk Adm'r et al

The Commonwealth of Virginia,

To the Sheriff of Lee County---Greeting:

We Command you to Summon

*David Burk Admr of Isaiah
H Burk decd, David Burk in his own right,
Sarah J Burk widow of said, Isaiah H Burk,
Mary C Burk, Etellie L Robt, ~~James Robinson~~ her husband
Fannie B Burk Robt E L Burk, Eliza J Burk, John Burk
Isiah Burk*

To appear at the Clerk's office of the Circuit Court of Lee, at the Court-House, on the first Monday in

February next, being rule day, to answer a bill in Chancery, exhibited in our said Court against

them

by *E. W. Bishop*

And have then there this writ.

day of

January

Witness, JAMES W. ORR, Clerk of our said Court, at the Court-House, this

25th

1879; in the 103rd year of the Commonwealth.

James W. Orr

CLERK.

8

178 } Spd in Chancery
(5 copies)

Lab. Rules 1879

Executed Jan'y 31st 1877
by delivering & affixing
copy to the copy.

Pro. Poly. R. R.